

**Remarks/Arguments:**

Claims 28-48 and 51-60 are pending. Claims 30, 38, 40-44 and 46-48 are withdrawn from consideration by the Examiner. Claims 28, 29, 31-37, 39, 45 and 51-60 stand rejected. Applicant acknowledges with appreciation the indication that claims 29, 32, 33, 36, 37 and 53-57 would be allowable if rewritten in independent form.

In this response, applicant has amended claim 28. Claim 31 is canceled without prejudice or disclaimer. Applicant has also rewritten allowable claims 29, 32, 53, and 55 into independent form.

**Drawing Objections**

The Office Action sets forth at page 2 that the drawings are objected to under 37 CFR 1.83(a). Specifically, the Office contends that the subject matter of claims 58-60 must be shown or the features canceled from the claims. Applicant respectfully traverses this objection for the reasons set forth below.

Claims 58-60 recite *inter alia* a rotor driven by external energy where the rotor is supported by at least one rotational bearing according to claim 28, used in a system for generating energy or a wind power plant (claims 58 and 59, respectively), or further defining the rotor as a wind turbine.

35 U.S.C. §113 sets forth "The Applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented." (Emphasis added) Applicant respectfully submits that one of ordinary skill in the art would clearly understand the use of the claimed rotational bearing in a system for generating energy or a wind power plant, without the necessity of providing any drawings in addition to those already provided in the application. Similarly, one of ordinary skill in the art would not need a further drawing in order to clearly understand that the rotor is a wind turbine. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

The Office Action also sets forth at page 2 that the drawings are objected to for failing to comply with 37 CFR 1.84(p)(5). Applicant has appropriately amended the specification to include reference character "6a" depicted in Fig. 1. Withdrawal of this objection is respectfully requested.

**Objections to the Claims**

Claim 54 is objected to for containing an informality. Applicant has appropriately amended claim 54 and respectfully requests, therefore, that the objection be withdrawn.

**Rejections Under 35 U.S.C. § 112**

Claims 28, 29, 31-37, 39, 45 and 51-60 are rejected under 35 U.S.C. § 112, second paragraph. Applicant has appropriately amended the claims and respectfully requests, therefore, that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections Under 35 U.S.C. § 102**

The Office Action sets forth at page 3 "Claims 28, 31, 34, 35, 39, 45, 51, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kendall et al. US 2,718,168." Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention as recited in claim 28, includes features not disclosed or suggested by Kendall, namely:

A rotational bearing configured to support a first body for rotation relative to a second body about a rotational axis, one of the first or second bodies being a rotational body and the other being a support body, said rotational bearing comprising:

five or more carrier rollers, each carrier roller individually mounted to the first body for rotation about a respective carrier roller rotational axis extending therefrom, and each carrier roller being in rolling contact with the second body,

wherein the carrier roller axes are adjustable and fixable axes relative to the first body, and

wherein each of the carrier rollers can be optionally and individually removed from the first body and the remaining carrier rollers support the rotational body in any radial direction with respect to the rotational axis and rotationally mount the rotational body centered between the remaining carrier rollers. (Emphasis Added)

Kendall is relied upon as "[disclosing] a rotational bearing configured to support a first body for rotation relative to a second body about a rotational axis, one of the first or second bodies being a rotational body and the other being a support body, the rotational bearing comprising a plurality of carrier rollers (25), each carrier roller between mounted the first body (11) for rotation about a respective carrier roller axis extending therefrom, and each counter roller being in rolling contact with the second body W, wherein each of the carrier rollers can be optionally and individually removed from the first body and the remaining carrier rollers support the rotational body in any radial direction with respect to the rotational axis and rotationally mount the second body centered between the remaining carrier rollers (this is an intern feature in the arrangement of the six rollers of Kendall)." Applicant respectfully disagrees with this overly broad interpretation of Kendall.

Rather, Kendall discloses a rotational bearing with six carrier rollers 25 rotatably mounted in a lower and an upper supporting frame 21. The upper supporting frame 21 can be pivoted or rocked around pin 55 out of and into a supporting position, as can be seen when comparing the lower with the upper part of FIG. 3 of Kendall. Three of the six rollers can be moved out of and into the supporting engagement with the rotational body W.

The bearing of Kendall, however, does not comprise any carrier roller which can be optionally and individually removed from the respective one of the supporting frames 21. Only three carrier rollers can be removed together by disassembling the respective pair of supporting plates 65 (column 4, lines 19-30). Furthermore, the remaining carrier rollers, i.e. the lower three carrier rollers, do not support the rotational body W in any radial direction with respect to the rotational axes of the rotational body W.

Kendall also not disclose or suggest an arrangement of five or more carrier rollers, where "each of the carrier rollers can be optionally and individually removed from the first body and the remaining carrier rollers support the rotational body in any radial direction with respect to the rotational axis and rotationally mount the rotational body centered between the remaining carrier rollers" as required by claim 1.

In order to remove any of the carrier rollers, the upper one of the supporting frames would have to be pivoted out of the supporting or engaging position (lower part of FIG. 3) into a disengaged position (upper part of FIG. 3). With three upper carrier rollers disengaged the

rotational body W is no longer supported in any radial direction with respect to its rotational axes.

Further, applicant respectfully traverses the statement made in the Office Action regarding inherency. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (Emphasis added).

Applicant respectfully submits that the Examiner has not provided the required showing, and additionally that Kendall, as discussed above, is unable to support the purported inherent feature. Accordingly, the Office's position regarding inherency is not justified and should be withdrawn.

Accordingly, Kendall fails to disclose or suggest each and every feature of applicant's claimed invention. Applicant respectfully requests therefore that the rejection of claim 28 as being anticipated by Kendall be withdrawn and the claim allowed.

Allowable claims 29, 32, 53, and 55 have been into independent form.

Claims 33-37, 39, 45, 51, 52, 54, 56-60 are allowable at least in view of their dependence on an allowable claim.

### **Rejoinder**

Applicant respectfully requests rejoinder of claims 30, 38, 40-44 and 46-48 directed to the unelected species.

Appln. No.: 10/574,396  
Amendment Dated November 14, 2011  
Reply to Office Action of May 17, 2011


SSM-561US

**Conclusion**

In view of the amendments and remarks set forth above, applicant submits that the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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Dated: November 14, 2011

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